

Remarks

Claims 1-15 and 17-19 are pending in this application, with claims 1, 7, 9, 18 and 19 being the independent claims. This Amendment presents a clean set of claims as currently pending. No new matter is introduced, and entry of this Amendment is respectfully requested.

Applicants filed a Preliminary Amendment on July 18, 2001, wherein claim 16 was canceled without prejudice or disclaimer; claims 1-6, 8 and 10-15 were amended and new claims 17-19 were added. These claim amendments were made, starting with the then-pending claims in International Application No. PCT/GB00/00315 (see Preliminary Amendment at page 3, line 6 from the bottom). Thus, claims 1-15 and 17-19 were pending at the time of the present Restriction Requirement.

In the Office Action Summary of the present Restriction Requirement, at numbers 4 and 8, it is noted incorrectly that claims 1-15 and 17-18 (instead of claims 1-15 and 17-19) are pending and subject to restriction. The present Restriction Requirement is as follows:

Group I: Claims 1-8 and 19 (drawn to an assay for an analyte wherein said analyte is associated with a thermostable reporter kinase);

Group II: Claims 9-11 and 18 (drawn to apparatus which includes a conjugate that is conjugated to a thermostable adenylate kinase); and

Group III: Claims 12-15 and 17 (drawn to a conjugate comprising an antibody conjugated to a thermostable enzyme).

A review of the pending claims indicates that the claims are improperly grouped.

It appears that claims 7 and 8 should not be included in Group I, but claims 9-11 should be. Furthermore, Applicants note that there are no apparatus claims presently pending in the application and, thus, Group II should be deleted. Finally, it appears that claim 18 should be grouped among the claims of Group III, not Group II.

Based on the above Amendment and remarks, Applicants respectfully submit that the present Restriction Requirement was based upon an erroneous set of claims and, thus, issued in error. Applicants respectfully request that the present Restriction Requirement be withdrawn and a new Restriction Requirement issued for this application at the earliest possible time.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: March 12, 2003

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

::ODMA\MHODMA\SKGF_DC1;110407;1
SKGF rev 1/26/01 mac